

REMARKS

Applicants submit that the amendments herein are fully supported in the present specification as filed and add no new matter. Also, it is respectfully requested that the present Amendment be entered into the Official File in view of the fact that the Amendment automatically places the application in condition for allowance. Thus, the present Amendment is believed to be in proper form for placing the application in condition for allowance.

In the alternative, if the Examiner continues with the rejections of the present application, it is respectfully requested that the present Reply be entered for purposes of an Appeal. The Reply reduces the issues on appeal by overcoming the rejection under 35 U.S.C. § 112, first paragraph. Thus, the issues on appeal would be reduced.

A Petition for Extension of Time is being concurrently filed with this Amendment. Thus, this Amendment is being timely filed.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

Status of the Claims

In the present Amendment, claims 1 and 3 have been amended. Claims 18 and 19 were previously canceled, and claims 6, 8, 9 and 16 are herein canceled, without prejudice or disclaimer of the subject matter contained therein. Also, claims 1-5, 7, 10-15, 17, 20 and 21 are allowable (see page 3 of the Office Action). Finally, claims 22-25 have been added. Thus, claims 1-5, 7, 10-15, 17 and 20-25 are pending in the present application.

No new matter has been added with these claim amendments. For instance, the amendment to claim 1 actually deletes subject matter. In addition, Applicants note that the amendment to claim 1 in no way affects the Examiner's reasons for allowance, as stated in the outstanding Office Action at the top of page 3. Also, this same claim language was deleted in claim 1 in the Supplemental Amendment filed on August 28, 2006, but erroneously appeared in the January 4, 2007, Amendment. Applicants apologize for any confusion. As for claim 3, a period has been added to the end of the claim, and this change is obviously minor in character. In other words, this is a clarifying and not a narrowing amendment, and Applicants are in no way conceding any limitations with respect to the interpretation of the claims under the Doctrine of Equivalents.

No new matter has been added with the new claims. Support for new claims 22-23 is found at page 5, lines 5-9 of the present specification. Also, each of claims 22-23 is similar to allowed claim 5, except specific pathogens are recited. Thus, claims 22-23 should be allowable as well. Similarly, each of claims 24-25 is similar to allowed claim 20. Also, despite these new claims being added, Applicants note that 4 claims have been canceled herein and 4 claims are being added. Thus, there is the same number of claims that are pending with the entry of this Amendment. Further, the only outstanding rejection has been rendered moot due to the cancellation of the disputed claims (and as explained below).

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the only rejection and allow the currently pending claims.

Issues under 35 U.S.C. § 112, First Paragraph

Claims 6, 8, 9 and 16 stand rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of enablement (see page 2 of the Office Action). Applicants respectfully note that these claims have been canceled, thereby rendering this rejection moot. It is thus believed that all claims are in condition for allowance.

Conclusion

In view of the above remarks, it is believed that claims are allowable. There are no more outstanding rejections.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Andrew D. Meikle, Reg. No. 32,868, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/561,188
Art Unit 1616
After Final Office Action of April 9, 2007

Docket No.: 5000-0143PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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